

REMARKS

The Office Action mailed October 5, 2004 has been carefully reviewed along with the references cited therein. In the subject Office Action, the Examiner indicated that one reference submitted with the IDS filed with the application had not been considered.

The Examiner objected to portions of the specification as well as some of the claims. Other claims were rejected under 35 U.S.C. § 112, second paragraph. Claims were also rejected under §§ 102 and 103.

Information Disclosure Statement

As for the Information Disclosure Statement, the Examiner indicated that the reference U.S. 2002/0021115 had not been considered. Applicants made a typographical error in the originally filed Information Disclosure Statement. The Information Disclosure Statement meant to cite U.S. 2003/0021115. Accordingly, Applicants submit a Supplemental Information Disclosure Statement along with the appropriate fee and request that the Examiner consider this reference.

Specification

The Examiner objected to portions of the specification due to informalities. The Examiner indicated that the reference numeral "22" was used for two separate elements. Appropriate correction has been made to page 2, line 33 so that reference numeral 22 can refer to either a translucent portion or a transparent portion. No new matter has been added to the specification because of this amendment.

The Examiner also indicated that the reference numeral "44" was also used for two separate elements. Correction has been made to page 3, line 29 so that it now reads "the interconnecting leg." The Examiner also indicated that the description of "the LED faces perpendicular to the translucent portion 22" as recited on line 32 of page 4 does not correspond to what is shown in drawings FIGURES 1 and 2. The Examiner goes on to state that drawing FIGURE 1 and 2 show that the LED faces the reflector. The specification has been amended to read that "the LED faces the reflector and faces perpendicular to the direction that the translucent portion 22 runs (i.e., the length of the envelope) so that the light emitted from the LED strikes the reflector before striking the translucent cover[.]" This should bring the specification in accord with the drawings.

Specification and Drawings

Applicants have further amended the specification to more accurately describe FIGURE 3, which has also been amended so that the figure corresponds with FIGURES 1 and 2. A substitute FIGURE 3 accompanies this amendment and has also been submitted under separate cover. No new matter has been added in the substitute drawing. The changes in FIGURE 3 show a plan view of the lighting apparatus with the LEDs 14 and reflector 16 shown in phantom showing the dispersion of light along the lighting apparatus. Support for these amendments can be found in FIGURES 1 and 2 and originally filed FIGURE 3. FIGURE 3 has been amended simply to conform with the embodiment depicted in FIGURES 1 and 2.

Claim Objections

Claim 9 was objected to because there was no antecedent basis for "the length," "the second axis" and "the width." Claim 9 has been cancelled from the application.

Claim Rejections

As for the claim rejections, the Examiner rejected claims 3-5, 7, 8, 15, 16 and 18-20 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. The Examiner indicated that claims 3, 5, 7, 15, 16 and 18 recite a first axis and a second axis which have not been defined. Claims 4, 8, 19 and 20 were rejected because they depend upon rejected claims. The Examiner also rejected claims 1, 7-9 and 12 under 35 U.S.C. § 102(b) as being anticipate by U.S. Patent No. RE37,113 (Shimada). The Examiner rejected claims 1, 2, 3, 10 and 11 under 35 U.S.C. § 102(e) as being anticipated by U.S. 2003/0223235 (Mohacsi et al.). The Examiner rejected claims 14, 15, 17 and 18 under 35 U.S.C. § 102(e) as being anticipate by U.S. Patent No. 6,601,970 (Ueda et al.). The Examiner also rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable in view of Mohacsi et al. The Examiner also rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Mohacsi et al. in view of U.S. Patent No. 6,357,889 (Duggal et al.). The Examiner rejected claims 21-24 under 35 U.S.C. § 103(a) as being unpatentable over Mohacsi et al. in view of Duggal et al.

The Examiner indicated that claims 4, 19 and 20 would be allowable if rewritten to overcome the rejections under § 112, second paragraph, if the claims included all

limitations of the base claim and any intervening claims. The Examiner also indicated that claims 13 and 16 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Applicants appreciate the indication of allowable subject matter.

Applicant has amended independent claim 1 and cancelled independent claims 14 and 21. Independent claims 25 and 27 have been added to the application, along with dependent claims that depend from the new independent claims.

Claim 1 has been amended to include a limitation similar to claim 4 and also to overcome the § 112, second paragraph rejection of claim 4. Claim 1 now recites, among other things, "said reflector adapted to focus light in a second axis that is at least substantially perpendicular to the first axis." This limitation, in combination with the other limitations of amended claim 1, are not disclosed or taught in the cited references. Accordingly, claim 1 and those depending from it patentably define over the cited references.

Applicant also rebuts the Examiner's rejection of claim 5 as being obvious in view of Mohacsi et al. The Examiner argued that a "reflector comprised of a material having greater light diffusing properties along a first axis than along a second axis would have been an obvious matter of design choice which provides no unusual, unobvious, and/or unexpected result and is therefore deemed to fall within the purview of an ordinary engineering design technique." Applicants' claim is directed to a lighting apparatus for creating a substantially homogenous lit appearance. A lighting apparatus including a reflector comprising a material having greater light diffusing properties along a first axis than along a second axis can provide greater uniformity of intensity and can lower the likelihood of showing intensity deviations along the translucent portion. Such a result, though not required by the claim, is highly desirable in creating a substantially homogenous lit appearance and is not an ordinary engineering design technique. Accordingly, it is submitted that claim 5 is not obvious in view of Mohacsi et al.

Claim 27 has been added to the application. Claim 27 includes a limitation similar, but not identical, to original claim 13, which was deemed patentable in the subject Office Action. Claim 27 recites, among other things, "an elongated envelope including a first opaque leg and a second opaque leg interconnected by a translucent portion." Applicant respectfully submits that such a lighting apparatus is not disclosed in the cited references. Accordingly, claim 27 and those claims depending from it, namely, 15-24, 28 and 29 are in condition for allowance.

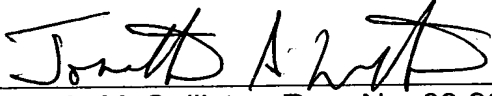
Claim 25 has also been added to the application. Claim 25 recites, among other things, that the elongated envelope has a generally U-shaped or V-shaped configuration in cross section and that the envelope includes an opaque portion. Since only Mohacsi et al. and Sloan et al. (submitted with IDS) teach a generally U-shaped or V-shaped configuration but, such configurations lack an opaque portion, claim 25 is patentable over these references. Accordingly, it is submitted that claims 25 and 26 are in condition for allowance.

All formal and informal matters having been considered, Applicants respectfully request a notification of allowance of all claims.

Respectfully submitted,

FAY, SHARPE, FAGAN,
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January 5, 2005
Date



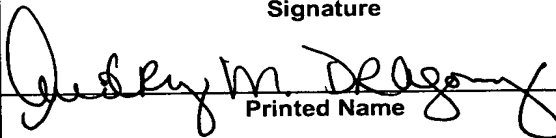
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